REMARKS

Claims 1-28 are pending, with claims 1, 15, 18 and 24 being independent. Claims 1, 15, 18 and 24 have been amended. No new matter has been added. Reconsideration and allowance of the above-referenced application are respectfully requested.

Claims 1-26 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Foster (U.S. Patent No. 6,675,382) in view of Davis (U.S. Patent No. 6,279,154). Claim 27 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Foster in view of Davis as applied to claim 1 above, and in further view of Forbes (U.S. Patent No. 6,381,742). Claim 28 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Foster in view of Davis as applied to claim 2 above, and further in view of Hesse (U.S. Patent No. 5,950,010). These contentions are respectfully traversed.

The art of record fails to teach or suggest, either alone or in combination, a vendor package template and a package importer to create a package based on the vendor package template, or importing vendor-specific software using a vendor package template to create an X-package having a script.

The Official Action equates the control file of Foster, and the list of installation tasks of Davis, with the script

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included in independent claims 1, 15, 18 and 24. These claims have been amended to clarify that the script includes a list of commands in a programming language, such as Perl. That is to say, the term "script" is being used in the computer science sense of being a program in a scripting language. The art of record fails to teach or suggest this aspect of the claimed subject matter.

Additionally, the cited portions of Davis describe an actual installation of a software package and not importation of a software package, such as importation into a distribution management server as in claim 15, that occurs before selection of any installation to a particular target computer. In response to the prior argument presented along these lines, the Official Action cites steps 71, 75 and 76 of FIG. 3 in Davis as showing, "importation of the components and parameters associated with the package". However, Davis clearly states that FIG. 3 is describing the installation process and not an importation process: "FIG. 3 is a flow chart of the typical installation process performed by the install system of the present invention, as shown in FIG. 1." (See Davis at col. 2, lines 39-41.)

Davis does not describe an importation process. Inserting a disk in a disk drive, or downloading a software package before installing it is certainly not considered an importation

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process. (See Davis at col. 8-13.) Notably, the term "importation" is never used in Davis.

Independent claim 1 recites, "a vendor package template that provides a script to install, upgrade, and remove at least one software package; a package importer to receive said at least one software package, where said package importer creates an X-package document based on said vendor package template; and a package agent to receive, deploy and execute said X-package at a target computer; wherein the script comprises a list of commands in a programming language." (Emphasis added.) The art of record fails to teach or suggest this claimed subject matter.

Independent claim 15 recites, "a distribution management server including: a vendor package template that provides a script to install, upgrade, and remove at least one software package, said script comprising a list of commands in a programming language; and a package importer to receive said at least one software package, said package importer creates an X-package document based on said vendor package template, where said package importer tags said X-package with a signature; a plurality of target computers, each target computer including: an authentication element to provide verification of the X-package by validating the signature in the X-package with a list of certificates trusted by the target computer; a script extractor to extract an X-package script; and a package agent to

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receive, deploy and execute said X-package at the target computer." (Emphasis added.) The art of record fails to teach or suggest this claimed subject matter.

Independent claim 18 (and similarly independent claim 24) recites, "importing the vendor-specific software using a vendor package template to create an X-package having a script, said script comprising a list of commands in a programming language; transferring said X-package to target computers; and processing said X-package script." (Emphasis added.) The art of record fails to teach or suggest this claimed subject matter.

Dependent claims 2-14, 16-17, 19-23, and 25-28 are patentable based on the above arguments and on their own merits. Thus, all of the claims should be in condition for allowance.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific issue or comment does not signify agreement with or concession of that issue or comment. Because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

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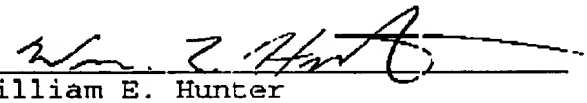
It is respectfully suggested for all of these reasons, that the current rejection is totally overcome; that none of the cited art teaches or suggests the features which are now claimed, and therefore that all of these claims should be in condition for allowance. A formal notice of allowance is thus respectfully requested.

No fees are believed to be due with this response. Please apply any necessary charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: Nov. 2, 2004



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